IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.2835 OF 2006

Somnath Babu Amin ..Petitioner.
Vs.
Jayprakash R. Tiwari and Ors. ..
Respondents.

....

Mr. S.B. Malvankar for the Petitioner.
Mr. Mahesh Shukla for for Respondent No.1.

...

CORAM: DR. D.Y. CHANDRACHUD, J.

14th November, 2006.

P.C. :

1. Rule, returnable forthwith. Counsel appearing for Respondent No.1 waives service. By consent and at the request of the learned counsel, taken up for hearing and final disposal.

2. The First Respondent was engaged as a Court Clerk by the Petitioner. On his services being dispensed with, the First Respondent raised an industrial dispute and a reference was made under Section 10 of the Industrial Disputes Act, 1947 by the Deputy Commissioner of Labour to the 11th Labour Court, Mumbai. The Petitioner filed an application for deciding the question as to

whether he is engaged in an industry within the meaning of Section 2(j) as a preliminary issue. The application was dismissed by the impugned order dated 30th June, 2006 which has been called into question in these proceedings under Article 226 of the Constitution. At the hearing of the Petition, the matter appeared to be eminently suited for an amicable resolution. Having regard to the provisions of Section 89 of the Code of Civil Procedure, 1908, parties agreed to an informal mediation by Mr. Arshad Shaikh, learned advocate practicing before the Court. The mediator has been able to persuade the parties to accept a settlement which is in their mutual interest. Accordingly, Consent Terms signed by the parties and by the respective advocates have been tendered and are taken on the record and are marked as 'X'. The dispute has been amicably resolved in terms thereof and accordingly no other submission has been urged on either side on the merits of the case. Parties have requested that the reference before the Labour Court, reference (IDA) 284 of 2005, be disposed of as a consequence. In the circumstances, the Petition shall be disposed of in terms of the Consent Terms. Since the dispute has been amicably settled, reference (IDA) 284 of 2005 pending on the file of the 11th Labour Court at Mumbai shall accordingly stand disposed of.

Parties have agreed to place a copy of this order together with the Consent Terms formally on the record of the 11th Labour Court, Mumbai.